

IN THE UNITED STATE DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA BOOZE,	:	
Plaintiff,	:	No. 1:12-cv-1307
	:	
v.	:	(Judge Kane)
	:	
JOHN WETZEL, et al.,	:	(Magistrate Judge Schwab)
Defendants.	:	
	:	

ORDER

AND NOW, on this 3rd day of June 2014, **IT IS HEREBY ORDERED THAT** Magistrate Judge Schwab's Report and Recommendation (Doc. No. 45) is **ADOPTED**.

IT IS FURTHER ORDERED THAT Defendants' motion to dismiss Plaintiff's complaint with prejudice (Doc. No. 16) is **GRANTED AND DENIED IN PART AS**

FOLLOWS:

1. Plaintiff's official capacity claims against Defendants are **DISMISSED WITH PREJUDICE**;
2. Plaintiff's remaining claims are **DISMISSED WITHOUT PREJUDICE**;
3. Plaintiff may file an amended complaint within twenty-one days of the date of this order; and,
3. The above-captioned action is **REFERRED BACK** to Magistrate Judge Schwab for pretrial management, including disposition of any pending motions.

S/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania